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99 Cents Only Stores, LLC

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Sarah Chase Vivian-Ochs,

Plaintiff,

v.

Arturo Casa Hernandez, a California resident; 99
Cents Only Stores, LLC, dba 99 ¢ Only Stores, a
California limited liability company, Does 1 through
10, inclusive,

Defendants.

Case No.: 3:20-cv-446

Defendants' Removal Petition

Defendants petition to remove this case to the United States District Court for the District of Nevada from the Second Judicial District Court for the State of Nevada. This petition for removal is signed per Rule 11.

Removal is appropriate per 28 U.S.C. § 1441 because diversity jurisdiction is present per 28 U.S.C. 1332. Plaintiff alleges she is a resident of Nevada.¹ Mr. Hernandez is a Californian.² 99 Cents Only Stores, LLC's sole member is Number Holdings, Inc, which is a Delaware corporation with its principal place of business in California.

¹ ECF No. 1-2 at ¶ 1.

² *Id.* at ¶ 2.

The amount in controversy is also satisfied. Before suit was filed Plaintiff served a settlement demand seeking \$385,000.00.³ This was based, in part, upon past medical expenses of \$123,512.97. Removal occurred within 30 days of service on July 1, 2020.

Based upon this, diversity jurisdiction is present and timely invoked.

DATED this 30th day of July, 2020.



BY: /s/ Michael P. Lowry
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Certificate of Service

Pursuant to FRCP 5, I certify that I am an employee of Wilson Elser Moskowitz Edelman & Dicker LLP, and that on July 30, 2020, I served **Defendants' Removal Petition** as follows:

- ☐ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;
- ☒ via electronic means by operation of the Court's electronic filing system, upon each party in this case who is registered as an electronic case filing user with the Clerk;

John D. Moore Silver State Law, LLC 190 W. Huffaker Lane, Suite 401 Reno, NV 89511 Attorneys for Sarah Chase Vivian-Ochs	
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BY: /s/ Michael Lowry
 An Employee of



³ ECF No. 1-3 at 3.